

IN THE CIRCUIT COURT OF WETZEL COUNTY, WEST VIRGINIA  
BUSINESS COURT DIVISION

MARKWEST LIBERTY MIDSTREAM  
& RESOURCES, L.L.C.,  
*Plaintiff,*

v.

CIVIL ACTION NO. 16-C-82  
JUDGE H. CHARLES CARL, III

J.F. ALLEN COMPANY;  
AMEC FOSTER WHEELER  
ENVIRONMENT & INFRASTRUCTURE, INC.; and  
REDSTONE INTERNATIONAL, INC.;  
*Defendants<sup>1</sup>,*

**BENCH TRIAL ORDER  
DAY ONE: SEPTEMBER 21, 2020**

1. On the 21st day of September, 2020, this matter came on before the Court for a bench trial. By prior agreement of the parties, the Court conducted the bench trial in Hampshire County, West Virginia. The Plaintiff was present by its counsel Kevin L. Colosimo, Joseph M. Ward, and Jonathan G. Brill, and its in-house counsel Natalie Lien. Defendant J.F. Allen Company was present by its counsel Douglas C. LaSota and by its President, Greg Hadjis. Defendant Amec Foster Wheeler Environment & Infrastructure, Inc. was present by its counsel Vic L. McConnell and William Fitts, and by its Lead Engineer, Chris Ramsey. Defendant Redstone International, Inc. was present by its counsel Bruce E. Stanley and Michael A. Jacks, by its President, Heath Kefover, and by its Chief Financial Officer, Terry Cunningham.

2. The Court gave instructions to counsel regarding face coverings and other COVID-19 guidelines.

3. Thereafter, Mr. Colosimo, Mr. LaSota, Mr. McConnell, and Mr. Stanley presented opening statements.

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<sup>1</sup> The remaining Defendants were dismissed, by agreement of the parties, prior to the bench trial.

4. The Court inquired whether or not the parties had a *Motion for Witness Sequestration* and none of the parties had a *Motion*. Therefore, the witnesses will not be required to be sequestered.

5. Following opening statements, the Court took a brief break.

6. After the break, this matter proceeded with the Plaintiff's case-in-chief.

7. The following witness was called by the Plaintiff, duly sworn: Daniel J. Rowlands. During the testimony of Mr. Rowlands, the Court recessed for a lunch break.

8. Following the lunch break, the direct examination of Mr. Rowlands resumed. During the testimony of Mr. Rowlands, the Court took a brief break.

9. After the break, the direct examination of Mr. Rowlands resumed.

10. At 4:36 p.m. the proceedings adjourned for the day.

It is **ORDERED**:

❖ The Circuit Clerk shall send this Order to all counsel of record.

❖ The Court notes the objections and exception of the parties to any adverse findings or rulings herein.

ENTERED this 22 day of September, 2020.

H. CHARLES CARL, III, JUDGE  
BUSINESS COURT DIVISION

PLEASE CERTIFY THAT THE ANNEXED INSTRUMENT IS A TRUE AND CORRECT COPY OF THE ORIGINAL. FILE IN MY OFFICE.  
ATTEST: CIRCUIT CLERK  
BY: WETZEL COUNTY, WEST VIRGINIA  
DEPUTY CLERK